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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,801	01/25/2001	George A. Tropoloc	56553-P001CP1-09907871	4084

29053 7590 03/07/2003

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.  
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EXAMINER

FERNSTROM, KURT

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,801	<b>Applicant(s)</b> TROPOLOC, GEORGE A.	
	<b>Examiner</b> Kurt Fernstrom	<b>Art Unit</b> 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-32 is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 8 is/are rejected.
- 7) ☒ Claim(s) 4,6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocker in view of Sakai. Stocker discloses in the Figures and in column 10, line 28 to column 11, line 43 a method of providing alternate viewing stimuli as representatives of different language constructs comprising various icons. Stocker fails to disclose associating unique colors with each construct set. Sakai discloses in Figures and 2 and in column 3, line 1 to column 8, line 20 the use of different colors to represent different language constructs. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Stocker by providing unique colors for each language construct for the purpose of providing an additional visual stimulus to differentiate language constructs. With respect to claim 2, the indicia of Stocker utilize simple geometric shapes, including a circle (see Fig. 1), a semicircle (Fig. 2) and squares (Fig. 6, 9 and 11). Also, the indicia of Stocker are presented on paper, which is inherently a computer readable medium. With respect to claim 3, the indica of Stocker comprise

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asymmetrical symbols, including those shown in Figures 1, 6, 11, 17, 18, 30, 32 and 36. With respect to claim 5, the paper on which the icons are presented inherently comprise a “high contrast background” to enable the user to see the indicia.

3. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocker in view of Sakai, and further in view of Guinan. Stocker as viewed in combination with Sakai discloses all of the limitations of claim 8 with the example of the language construct set comprising a limited vocabulary of words. The language construct set of both Stocker and Sakai is letters and letter sounds. However, it is known to provide alternate visual stimuli representing a limited vocabulary of words, as shown for example by Guinan, in the Figures and in column 4, line 28 to column 5, line 62. It would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed by Stocker as viewed in combination with Sakai by providing a language construct set comprising a limited vocabulary of words for the purpose of allowing the user to view alternate visual stimuli representing words.

***Allowable Subject Matter***

4. Claims 4, 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 21-32 are allowed.

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6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or suggest a method having all of the limitations of claim 4, in particular the inclusion of a color mapping portion, which is used as a baseline to compare the various indicia against to calculate color values, which are then translated to language constructs. While the prior art discloses color-coded icons where colors represent icons, and indicia are generally “readable” by a computer, there is no suggestion in Guinan, Sakai or any other prior art to modify those teachings by providing a color scaling portion, as there is no teaching or suggestion in the cited prior art to scan the indicia on a computer for storing the different color values. Consequently, the methods of claims 21 and 28 are also not disclosed or suggested by the prior art.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-3, 5 and 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lynd, McCloskey, Orsini, Tehan, Trager, Benedict, Leonhardt, Weiss and Frascara disclose various alternate visual stimuli for representing different language constructs.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

March 4, 2003

  
Kurt Fernstrom